STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIAJ'JA CONNER, TIAJ'WAN CONNER, TISAIAH CONNER, TASTARRA CONNER, TRE'YON CONNER, TAVIONNA CONNER, and TALIA HOGAN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONNA EVANS,

Respondent-Appellant,

and

THADDEUS CONNER and RICHARD L. HOGAN,

Respondents.

UNPUBLISHED
March 20, 2007

No. 270139
Genesee Circuit Court
Family Division
LC No. 03-117434-NA

In the Matter of TALIA HOGAN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RICHARD L. HOGAN,

Respondent-Appellant,

and

DONNA EVANS,

Respondent.

No. 270154
Genesee Circuit Court
Family Division
LC No. 03-117434-NA

Before: Markey, P.J., and Murphy and Kelly, JJ.

PER CURIAM.

In these consolidated appeals, respondent Donna Evans appeals by right from the trial court's orders terminating her parental rights to all of the minor children under MCL 712A.19b(3)(c)(i), (g), and (j), and respondent Richard Hogan appeals by right the termination his parental rights to Talia Hogan under MCL 712A.19b(3)(g) and (j). We affirm.

A neglect petition was filed on December 4, 2003 to take temporary custody of the minor children on grounds of substance abuse, neglect, and improper supervision. Talia was removed from respondent Hogan's home. The mother and children had previously lived with maternal grandmother Louella Evans and other adults. After removal, the children were placed with Louella Evans. Respondent mother admitted some allegations in the petition, and an order of disposition was entered on January 6, 2004. The case was then referred to drug court. However, respondents failed to appear at drug court hearings and did not comply with that court's requirements. The case then returned to the family division of the circuit court. Respondents' case service plan (CSP) and parent agency agreement (PAA) required drug assessment, treatment and screens, psychological evaluation and counseling, parenting classes, and visitation with the children. Consistent with DHS policy, supervised visitation was permitted after three clean drug screens.

Respondents both claim that the trial court clearly erred in finding clear and convincing evidence to terminate their parental rights. We disagree. Respondents complied minimally with the court-ordered requirements. Both had psychological evaluations but failed to attend or dropped out of individual counseling. Both completed parenting classes, and respondent Evans did attend a 28-day inpatient drug program. But respondents missed many drug screens and had some screens positive for cocaine. Respondent Hogan was in jail for part of the time for violating probation on a conviction for maintaining a drug house or vehicle. Respondent Evans was also jailed before completing a substance abuse treatment assessment in January 2006. Neither respondent visited the children regularly, had adequate housing, or provided verification of employment to the caseworker. Failure to comply with a PAA is evidence of continuing neglect. *In re Trejo*, 462 Mich 341, 360-361 n 16; 612 NW2d 407 (2000). Here, respondents' participation in services was sporadic. There is some merit to respondent Hogan's claim that his visitations should have commenced because he complied with the court's requirements of three negative screens, and later one negative screen. Still, part of the problem was that Hogan then stopped providing screens and/or became unavailable. Had he truly wished to continue establishing a relationship with Talia, he would have regularly turned in negative screens and complied with other reasonable requirements of his CSP. We find sufficient evidence supported the trial court's decision to terminate respondent Hogan's rights to Talia under subsections (g) and (j) and respondent Evans' rights to the minor children under subsections (c)(i), (g), and (j). MCR 3.977(J); *In re Trejo, supra* at 356-357.

We further reject respondent Hogan's claims that hearsay evidence was improperly admitted against him, and that the DHS failing to provide drug screen reports and the psychologist's report impeded his ability to prepare a defense. Contrary to Hogan's argument, the petition contained numerous references to him. Moreover, once the court took jurisdiction over the children, the court was empowered to enter orders affecting both respondents. *In re CR*,

250 Mich App 185, 205; 646 NW2d 506 (2002). Additionally, much of the evidence against both respondents was based on firsthand knowledge or was otherwise legally admissible. For instance, in July 2003, respondents left a small child alone in the car while they went in the state office building in Flint to speak with their caseworker. The windows in the car were up and the doors locked. When a Children's Protective Services worker spoke to respondent Hogan about this, he replied angrily that he did not have to answer questions and drove off. He had slurred speech and his breath smelled of alcohol. As for the drug screen reports and psychological reports, these were repeatedly referred to at hearings, yet apparently no specific request to bring or furnish the reports was received.

Respondent Hogan further claims that he was prejudiced by the trial court's handling of the paternity issue. Respondent Hogan apparently was given an acknowledgement of parentage form, completed it, and had it notarized in court. He said he then filed it at the place where he had obtained it. He argues that he complied with MCL 722.1003(2) and should have been considered a "father" under MCR 3.903(A)(4). However, the caseworker testified that she could find no record of filing of an acknowledgment of parentage for Talia. Filing with the state registrar is required by MCL 722.1005(1). Here, Hogan suffered no real prejudice because he was given the opportunity to comply with services and was a provided a psychological evaluation, parenting classes, and drug screens. He also would have been permitted visitation if he had complied with drug screens. We find no reversible error.

Finally, we find that termination of respondents' parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); MCR 3.977(J); *Trejo, supra*. The children were in relative or foster care for over two years, and all but Talia were victims or perpetrators of sexual abuse. Respondents were provided many chances to comply with services and rectify the problems that brought the children into care. Respondents complied only minimally and never reached the point where the children would not be at risk in their care. The children need a permanent, safe, stable home, which neither respondent can provide. We find no clear error in the trial court's best interests ruling.

We affirm.

/s/ Jane E. Markey
/s/ William B. Murphy
/s/ Kirsten Frank Kelly